



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East, 7<sup>th</sup> floor  
Brooklyn, New York 11201*

August 31, 2010

**VIA ECF AND INTEROFFICE MAIL**

Honorable Roslynn R. Mauskopf  
United States District Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re:    United States v. Brooklyn Sleep Products, Inc. *et al.*  
CV-10-2980 (RRM)(CLP) (E.D.N.Y.)**

Dear Judge Mauskopf:

We are writing on behalf of the United States in the above-referenced matter. Pursuant to Your Honor's Order requesting proof of service of the "Order to Show Cause" entered on August 6, 2010, enclosed are the following documents confirming delivery of the Order:

1. Letter dated August 10, 2010, addressed to Francisco Chavez, president of Brooklyn Sleep Products, enclosing, *inter alia*, the "Order to Show Cause" (attached as Exhibit A);
2. FedEx label addressed to Mr. Chavez enclosing the cover letter and "Order to Show Cause" (attached as Exhibit B); and
3. Printout confirming delivery of the FedEx package on August 11, 2010 at 9:28 a.m. signed for by "R. Chavez" (attached as Exhibit C).

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By: s/ James R. Cho  
James R. Cho  
Assistant United States Attorney  
718-254-6519  
james.cho@usdoj.gov

Enclosures

cc: Francisco Chavez, President of Brooklyn Sleep Products, Inc.  
(via overnight courier service) (w/ enclosures)



**U.S. Department of Justice**

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Eastern District of New York*

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*271 Cadman Plaza East, 7<sup>th</sup> floor  
Brooklyn, New York 11201*

August 10, 2010

**VIA OVERNIGHT COURIER SERVICE**

Francisco Chavez  
President  
Brooklyn Sleep Products, Inc.  
431 Kent Avenue  
New York, New York 11211

**Re:    United States v. Brooklyn Sleep Products, Inc. *et al.*  
CV-10-2980 (RRM)(CLP) (E.D.N.Y.)**

Dear Mr. Chavez:

Enclosed is a copy of the “Order to Show Cause” (docket no. 7), entered on August 6, 2010 in the above-referenced matter. Pursuant to the Order, you are required to appear before Judge Roslynn R. Mauskopf at the **U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York on September 1, 2010 at 11:30 a.m. in Courtroom N6F** to show cause why a preliminary injunction requested by the United States should not be granted. Any responsive pleadings to the application for a preliminary injunction must be served on the Plaintiff United States by hand delivery and filed with the Court with a courtesy copy to chambers on or before **August 27, 2010**.

Also enclosed are copies of the following documents that were previously mailed to you prior to entry of the Order to Show Cause:

1.    Complaint (docket no. 1);
2.    Plaintiff United States’ Memorandum Of Law In Support Of Its Motion For Injunctive Relief (docket no. 2-1);
3.    Declaration Of Heather Sonabend with exhibits 1-19 (docket no. 4); and
4.    Plaintiff United States’ Supplemental Memorandum Of Law In Support Of Its Motion For Preliminary Injunctive Relief (docket no. 6-1).

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: s/ James R. Cho  
James R. Cho  
Assistant United States Attorney  
718-254-6519  
[james.cho@usdoj.gov](mailto:james.cho@usdoj.gov)

Enclosures



FedEx  
Tracking  
Number

8714 8972 8561

Please print and press hard.

08/10/10 Sender's FedEx Account Number 1510-3230-3

Shipper's Name James R. Cho Phone (718) 254-6519

Company USDOJ/US ATTY DEC 7th Fl.

Address 271 CADMAN PLZ F Dept/Floor/Suite/Room

BROOKLYN State NY ZIP 11201-2790

#### Internal Billing Reference

A character will appear on invoice.

Recipient's Name Francisco Chavez, President

Phone ( )

Brooklyn Sleep Products, Inc.

HOLD Weekday  
Print FedEx location address below.  
Available ONLY for FedEx Priority Overnight

HOLD Saturday  
Print FedEx location address below.  
Available ONLY for FedEx Priority Overnight  
and FedEx 2Day to select locations.

Address 431 Kent Avenue

Cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept/Floor/Suite/Room

Address FedEx location address here if HOLD option is selected.

New York,

State

NY

ZIP

11211

0416558568



Ship and track packages at [fedex.com](http://fedex.com)  
Simplify your shipping. Manage your account. Access all the tools you need.

SPH11

0215

#### 4a Express Package Service

FedEx Priority Overnight  
Next business morning. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight  
Next business afternoon. Saturday Delivery NOT available.

FedEx First Overnight  
Earlier next business morning delivery to select locations. Saturday Delivery NOT available.

FedEx 2Day  
Second business day. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver  
Third business day. Saturday Delivery NOT available.

#### Packages up to 150 lbs.

FedEx 1Day Freight

FedEx 2Day Freight  
Next business day. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 3Day Freight  
Third business day. Saturday Delivery NOT available.

#### Packages over 150 lbs.

#### 4b Express Freight Service

FedEx 1Day Freight

FedEx 1Day Freight Booking No.

FedEx 2Day Freight

FedEx 3Day Freight

FedEx 4Day Freight

FedEx 5Day Freight

#### 5 Packaging

FedEx Small Pak\*

FedEx Box

FedEx Tube

Other

FedEx Large Pak\*

FedEx Large Pak

FedEx Sturdy Pak

Other

#### 6 Special Handling and Delivery Signature Options

SATURDAY Delivery

NOT available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 2Day Freight.

No Signature Required

Direct Signature

Indirect Signature

package may be left without

consignee at recipient's address  
may sign for delivery. Not applicable.

If no one is available at recipient's  
address, someone at a neighboring  
address may sign for delivery. For  
overnight deliveries only. Not applicable.

#### Does this shipment contain dangerous goods?

One box must be checked.

No  Yes

Yes  
As per attached Shopper's Declaration.

Dry Ice

Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging

or placed in a FedEx Express Drop Box.

Dry Ice

Shopper's Declaration

UN 1845

Cargo Aircraft Only

#### 7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender

Recipient

Third Party

Credit Card

Cash/Check

FedEx Acct. No.

Credit Card No.

Exp. Date

Total Packages

Total Weight

lb

Total Declared Value

\$ 5.00

\*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

Rev. Data 2008 Part #158279-G1994-2008 FedEx PRINTED IN U.S.A.-GRS

553

Exhibit B

 [Print page](#) | [Close](#) 

## Detailed Results

Tracking no.: 871489728561

Select time format: **12H**

### Delivered

#### Delivered

Signed for by: R.CHAVEZ

Shipment Dates

Destination

Ship date Aug 10, 2010

Signature Proof of Delivery

Delivery date Aug 11, 2010 9:28 AM

### Shipment Facts

Service type  
WeightPriority Pak  
3.0 lbs/1.4 kg

Delivered to

Shipping/Receiving

### Shipment Travel History

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Aug 11, 2010 9:28 AM	Delivered		
Aug 11, 2010 8:35 AM	On FedEx vehicle for delivery	MASPETH, NY	
Aug 11, 2010 7:45 AM	At local FedEx facility	MASPETH, NY	
Aug 11, 2010 6:14 AM	At dest sort facility	JAMAICA, NY	
Aug 11, 2010 3:45 AM	Departed FedEx location	NEWARK, NJ	
Aug 10, 2010 11:30 PM	Arrived at FedEx location	NEWARK, NJ	
Aug 10, 2010 9:41 PM	Left FedEx origin facility	BROOKLYN, NY	
Aug 10, 2010 7:57 PM	Picked up	BROOKLYN, NY	



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727

Memphis, TN 38194-4643

Telephone: 901-369-3600

August 31,2010

Dear Customer:

The following is the proof-of-delivery for tracking number **871489728561**.

#### **Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Shipping/Receiving
<b>Signed for by:</b>	R.CHAVEZ	<b>Delivery location:</b>	431 KENT AVE 11211
<b>Service type:</b>	Priority Pak	<b>Delivery date:</b>	Aug 11, 2010 09:28



#### **Shipping Information:**

<b>Tracking number:</b>	871489728561	<b>Ship date:</b>	Aug 10, 2010
		<b>Weight:</b>	3.0 lbs/1.4 kg

#### **Recipient:**

FRANCISCO CHAVEZ PRESIDENT  
BROOKLYN SLEEP PRODCUTS INC  
431 KENT AVE  
11211 US

#### **Shipper:**

JAMES R CHO  
USDOJ/US ATTY OFC  
271 CADMAN PLZ E  
112012790 US

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service  
1.800.GoFedEx 1.800.463.3339